

REMARKS:

In the Office Action mailed March 18, 2002, claims 1-24 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,562,624 ("the Righi et al. reference"). Because the cited reference fails to disclose, teach, or suggest the subject matter of the present claims, reconsideration and withdrawal of the rejections is respectfully requested.

The Righi et al. reference discloses a safety syringe that includes a cylinder 1 with a plunger 6 axially movable therein, a conical front end 2, and a protective sleeve 12 fitted externally on the cylinder 1. (Col. 3, lines 6-27). The sleeve 12 includes securing tongues 16 that may be received through apertures 20 in a can-shaped head 10 on the cylinder 1. (Col. 3, lines 34-59). A spring 15 is mounted between the cylinder 1 and the sleeve 12 such that, once the tongues 16 are disengaged from the can-shaped head 10 on the cylinder 1, the sleeve 10 may move forward. (Col. 6, lines 19-47).

Turning to the present claims, claim 1 recites a method for performing an injection using a passive needle guard including a body having a medicine cartridge therein and a shield slidably attached to the body, the body retained by cooperating catches on the body and the shield in a first position wherein the needle is exposed, the body being biased to retract with respect to the shield towards a second retracted position for covering a needle extending from the cartridge. The method includes inserting the needle into a patient's skin while holding the shield a predetermined distance therefrom, applying a distal force on a plunger communicating with the cartridge to inject medication into the patient until the plunger contacts a latch member extending from the passive

needle guard, depressing the plunger further to deflect the latch member to disengage the cooperating catches, wherein the body becomes biased to move towards the retracted position, and releasing the distal force on the plunger, thereby retracting the body towards the retracted position, wherein the needle is substantially covered by the shield.

The Righi et al. reference fails to teach or suggest a body having a medicine cartridge therein, as claimed, and, in particular, fails to teach or suggest retracting a body towards a retracted position, wherein a needle on the medicine cartridge in the body is substantially covered by a shield. In contrast, the Righi et al. reference discloses a specially designed cylinder that is a substitute for a conventional syringe, rather than a body for receiving a medicine cartridge. Therefore, claim 1 and its dependent claims are neither anticipated nor otherwise obvious in light of the Righi et al. reference.

For similar reasons, claims 10 and its dependent claims, are also neither anticipated nor otherwise obvious in light of the Righi et al. reference. Similar to claim 1, claim 10 recites a passive needle guard including a body having a medicine cartridge therein. Claim 10 also recites withdrawing a needle from the patient's skin, whereby a shield slidably attached to the body continues to advance distally with respect to the body until the needle is substantially contained within the shield. The Righi et al. reference does not teach or suggest such a step.

Finally, claim 14 recites a passive needle guard that includes a body having proximal and distal ends and a cavity therein for receiving a medicine cartridge having a distal tip for administering a medication from within the cartridge. As explained above, the Righi et al. reference

fails to disclose, teach, or suggest such a body. The differences between the claimed guard and the Righi et al. device are further demonstrated by dependent claim 22, which positively recites a medicine cartridge received in the cavity in the body. The Righi et al. reference fails to disclose, teach, or suggest the claimed body nor the claimed medicine cartridge. The element 9 shown in Figure 1 of the Righi et al. reference is not a medicine cartridge, but is merely the push-button 9 of a plunger 6 that is received in the cylinder 1, as explained at col. 3, lines 15-20 of the Righi et al. reference. Thus, claim 14 and its dependent claims are also neither anticipated nor otherwise obvious in light of the Righi et al. reference.

In view of the foregoing, it is submitted that the claims now presented in this application define patentable subject matter over the cited prior art. Accordingly, reconsideration and allowance of the application is requested.

Respectfully submitted,

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